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EX PARTE OR LATE FILED

John E. Logan

March 29, 2000

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 12th Street, SW - Room 4-C321  
Washington D.C. 20554

RECEIVED

MAR 29 2000

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: Ex Parte Submission, *In the Matter of*  
*Establishment of a Class A Television Service,*  
MM Docket No. 00-10, MM Docket No. 99-292,  
RM-9260

Dear Ms. Salas:

Enclosed is a copy of a letter submitted today to Mr. Roy Stewart, Chief, Mass Media Bureau. The letter relates to an agreement between WEBR (LP) and the New York Metropolitan Advisory Committee.

A copy of the letter was provided to Mr. Robert H. Ratcliffe, Deputy Chief, Mass Media Bureau, Ms. Mary Beth Murphy, Chief, Policy and Rules Division, Mass Media Bureau, and Mr. Keith Larsen, Senior Engineer, Mass Media Bureau.

The necessary copies are enclosed.

Respectfully,

John E. Logan

Attachment

Copy Provided to: Mr. Roy Stewart, Chief, Mass Media Bureau, Mr. Robert Ratcliffe, Deputy Chief, Mass Media Bureau, Ms. Mary Beth Murphy, Chief, Policy and Rules Division, Mass Media Bureau, Mr. Keith Larsen, Senior Engineer, Mass Media Bureau, Julian Shephard, Esquire, and Michael Pratt, Esquire



## POLICE DEPARTMENT

March 27, 2000

Mr. Roy Stewart  
Chief, Mass Media Bureau  
Federal Communications Commission  
Washington, D.C. 20554

Re: *In the Matter of Establishment of Class A  
Television Service*, MM Docket No. 00-10, MM Docket  
No. 99-292, RM-9260

Dear Mr. Stewart:

Pending before the Federal Communications Commission ("FCC") is a Notice of Proposed Rulemaking to implement the provisions of the Community Broadcasters Protection Act of 1999 (CBPA), that requires the FCC to establish a Class A Television Service. This letter sets forth an agreement between K Licensee Inc., the licensee of low power television station WEBR(LP), Channel 17, Manhattan, New York ("WEBR(LP)", and the New York Metropolitan Advisory Committee (NYMAC), represented by the Police Department of the City of New York and the Police Department of the County of Suffolk, New York, regarding continued coordination between WEBR(LP) and NYMAC (each referred to as a "Party" and collectively "the Parties") to ensure that the ongoing use of frequencies in the 482-488 MHz band (television Channel 16) by NYMAC agencies for public safety communications systems continues without interference from, or to, WEBR(LP).

WEBR-LP is a Korean language television station serving the New York City metropolitan area. Its programming is broadcast twenty-four hours a day and includes locally produced Korean-language public interest programming and other Korean language programming. WEBR-LP is a major source of information to the large Korean American population in the New York City area and has made a long-term commitment in this regard. WEBR-LP broadcasts on Channel 17. NYMAC is the alliance of public safety agencies in the New York City area<sup>1</sup> that received a conditional waiver of the

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<sup>1</sup> The following New York City Metropolitan area municipal agencies are members of the NYMAC: New York City Police Dept., New York City Fire Dept., New York City Dept. of Corrections, New York City Dept. of Parks and Recreation, New York City Dept. of Information Technology and Telecommunications, New York City Dept. of Transportation, New York City Transit Authority; City of Yonkers, New York, Fire Dept.; City of Yonkers, New York, Police Dept.; City of New Rochelle, New York, Police Dept.; Nassau County, New York, Police Dept.; Suffolk County, New York, Police Dept. (representing Suffolk County); Elmont, New York, Fire District; Bergen County, New Jersey, Police Dept.

FCC's rules in 1995 (the "1995 Waiver Order")<sup>2</sup> to use frequencies in the 482-488 MHz band, television Channel 16, for purposes of public safety communications. Since that time, the NYMAC member agencies have committed in excess of \$40 million to assure quality public safety communications, thereby enabling police, fire, emergency services and other agencies to respond more quickly and effectively to citizens in need. The use of channel 16 in the New York Metropolitan area, and the need to ensure that its transmissions are subject to no interference or disruption at any time, is a critical element in the ability of public safety agencies to respond quickly and efficiently.

WEBR-LP and NYMAC have cooperated in ensuring that public safety communications are not subject to interference and seek to continue these efforts. Specifically, each Party agrees to advise the other Party at least 60 days in advance of any change, alteration, or modification in its transmission facilities that may adversely affect or cause interference to the other Party's communications system(s). Such advance notice will afford WEBR(LP) and NYMAC an opportunity to evaluate the proposed change, alteration, or modification, including the opportunity to conduct any necessary engineering analysis and testing. Change, alteration or modification includes facilities changes, new transmission equipment installation, adjustment of power levels, and any alteration in antennae height, location or direction. If a proposed change, alteration or modification requires FCC authorization or notification, each Party will advise the other Party at least 60 days in advance of the filing of notification or an FCC application for such authority, except in emergency circumstances where such advance notice may be impractical. Under such emergency circumstances, each Party shall provide notice to the other Party at least simultaneously with the FCC notification or application. Each Party agrees to include, in its notification or application to the FCC, a written response from the other Party, if such response is provided within 30 days, stating its position on the proposed change, alteration or modification.

If, on the basis of a 60-day advance notification, engineering analysis or testing indicates that objectionable interference will occur, a Party may object to a proposed change, alteration, or modification by providing written notice within 30 days of the advance notification to the Party proposing the change, alteration or modification, including a copy of the engineering analysis and, if applicable, the testing results. In the event of an objection, WEBR-LP and NYMAC agree to cooperate and to make revisions to a proposed change, alteration or modification necessary to prevent interference from occurring. If a disagreement occurs, and cannot be resolved, WEBR-LP and NYMAC will present the matter to the FCC for resolution. Nothing in this letter agreement is intended by the Parties to change the basic terms and conditions of, or the obligations of the Parties under, the 1995 Waiver Order.

Both WEBR-LP and NYMAC request that this agreement be placed in the record of the proceedings of the Federal Communications Commission addressing Class A Television service as well as in the record of any application WEBR-LP to become a Class A television station.

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<sup>2</sup> In the Matter of Waiver of Parts 2 and 90 of the Commission's Rules to Permit New York Metropolitan Area Public Safety Agencies to Use Frequencies at 482-488 MHz on a Conditional Basis, *Order*, FCC 95-115, 10 FCC Rcd 4466 (Mar. 17, 1995).

WEBR-LP

By

Y. A. Kwon

Respectfully submitted,  
New York Metropolitan Advisory Committee

By

Vincent R. Stile

Vincent R. Stile, Director  
Chairman, NYMAC  
Police Communications Systems  
County of Suffolk Police Department  
30 Yaphank Avenue  
Yaphank, New York 11980

By

Vincent M. Mansfield

Vincent M. Mansfield  
Deputy Chief, Commanding Officer  
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